

Application No.:09/756,330

Docket No.: JCLA6008

REMARKS**I. Present Status of the Application**

The Office Action rejected claims 1-29 under 35 U.S.C. § 102(e) as being anticipated by Wells et al. (US 2003/0228912).

Upon entry of the amendments in this response, claims 1, 7 and 16 are amended for further defining the scope of the claimed invention, which is supported necessarily by, for example, specification, at page 9, lines 1-5; at page 11, lines 1-3; at page 13, lines 8-15; 42 in FIG. 4; 61 in FIG. 5; and 81 in FIG. 6. Applicant believes that the foregoing amendments do not introduce new matter and do not require any new search. Thus, reconsideration of those claims is respectfully requested.

II. Response to Rejections under 35 U.S.C. § 102(e)

The Office Action rejected claims 1-29 under 35 U.S.C. § 102(e) as being anticipated by Wells et al. (US 2003/0228912). Applicant respectfully traverses the rejection as applied to the amended claims for at least the reasons set forth below.

To anticipate a claim, the prior art reference must teach each and every element of the claim. M.P.E.P. § 2131.

The present invention, as claimed in the independent claims 1, 7 and 16 (as amended), provides a method and a device for updating personalized products, wherein

the personalized program code or data code [that is downloaded from a storage device or a website] is suitable of being further designed and developed personally

Application No.:09/756,330

Docket No.: JCLA6008

by a user of the personalized product at option of the user, and is suitable of being uploaded back to the storage device [or the website].

(Emphasis added). Here, the claimed invention provides a way for the user redesigning or further developing the personalized program code or data code according to the user's personal requirements or preferences, so as to redesign or change the functions as well as information of the personalized product. Moreover, the redesigned or further developed personalized program code or data code is suitable for uploaded back to the storage device or the website for other users benefits.

Wells et al., on the other hand, are directed to a method for downloading data to gaming devices, which includes a method and an apparatus merely for "identification, negotiation, downloading and verification information from an external information source to a gaming terminal" (abstract; para [0016]). Wells et al. do not teach "personalized products" as the invention requires. More particularly, Wells et al. fail to provide a way for the user to redesign or further develop the personalized program code or the data code; and furthermore, Wells et al. fail to provide the code suitable for uploading back to the storage device or website to be accessible for other users.

Therefore, Wells et al. do not anticipate claims 1, 7 and 16, as amended, since Wells et al. fail to disclose each and every element of the claims. Consequently, Wells et al. do not anticipate dependent claims 2-6, 8-15 and 17-29 as well, as a matter of law.

Accordingly, Applicant respectfully submits that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

Application No.: 09/756,330

Docket No.: JCLA6008

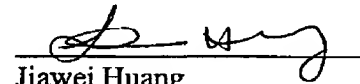
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date: 12/29/2004

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Respectfully submitted,
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